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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EXAMINER: Nihir Patel

Docket No. 3418-A-23

APPLICANT: Marler et al.

Date: May 26, 2006

SERIAL NO.: 10/654,797

Art Unit: 3743

FILED: September 4, 2003

Confirmation No. 8070

FOR: HEAT AND MOISTURE FILTER EXCHANGER AND METHOD

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED

ON FAILURE TO RECEIVE OFFICE ACTION

Technology Center 3700  
Commissioner For Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sirs:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

May 26, 2006

(Date of Deposit)

William C. Cahill

Name of applicant, assignee or Registered Rep.

Signature

5/26/2006

Date

The Office is respectfully requested to withdraw the Notice of Abandonment mailed May 17, 2006. Applicants' attorney did not receive a Notice of Allowance.

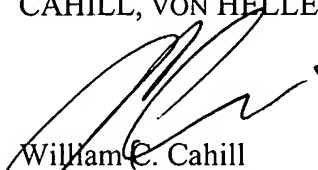
According to the Transaction History records on the Patent Office web site for Serial No. 10/654,797, a Notice of Allowance was mailed on August 11, 2004. Enclosed is Exhibit A which includes our docketing records from August 10, 2004 through September 28, 2004 listing everything received from the Patent Office and identified by our docket number. A review of the exhibit demonstrates there is no entry for our Docket No. 3418-A-23 (Serial No. 10/654,797). Also enclosed is Exhibit B which is a copy of the attorney file jacket for attorney Docket No.

3418-A-23 (Serial No. 10/654,797) showing no entry for the receipt of a Notice of Allowance.

Applicants' attorney William C. Cahill hereby submits his attached Declaration indicating that the Notice of Allowance was never received as evidenced by the enclosed copies of Exhibits A and B. Applicants' attorney hereby petitions to withdraw the holding of abandonment and requests that the Patent Office re-issue a Notice of Allowance for the above-identified patent application.

Respectfully submitted,

CAHILL, VON HELLENS & GLAZER P.L.C.



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